

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
CENTURY 21 REAL ESTATE CORPORATION)	
)	
Plaintiff,)	
)	CIVIL ACTION NO. 04-10785DPW
v.)	
)	
DENNEHY, BARNES, VENTURES, INC.,)	
JOHN S. DENNEHY and THOMAS BARNES,)	
)	
Defendants.)	
_____)	

PLAINTIFF CENTURY 21 REAL ESTATE CORPORATION'S
MOTION FOR LEAVE TO AMEND ITS COMPLAINT

Plaintiff Century 21 Real Estate Corporation ("Century 21") hereby moves, pursuant to Fed. R. Civ. P. 15(a), for leave to file the accompanying First Amended Complaint in order to allege certain additional facts discovered after the filing of the initial complaint, limit certain claims consistent with the newly discovered facts and to assert a claim for unfair and deceptive trade practices under Mass. Gen. Laws, c. 93A. A clean copy of Century 21's proposed First Amended Complaint is attached as Exhibit A and a redline comparison of the First Amended Complaint compared to the original Verified Complaint is attached as Exhibit B.

In support of this Motion, Century 21 states as follows:

1. Plaintiffs filed the original Verified Complaint against Defendants on or about April 19, 2004.
2. Subsequent to filing the original Verified Complaint, Century 21 discovered that it had engaged in previous litigation with defendants concerning their failure to make certain required payments under the franchise agreements. That litigation was ultimately settled in

December, 2002. Century 21 seeks to amend its complaint to properly plead such facts and to limit the damages its seeks to the period of time subsequent to December 17, 2002.

3. Century 21 also seeks to add a count for violation of G.L. c. 93A, §§ 2 and 11 based on defendants' alleged unfair acts in falsely representing themselves to the public as Century 21 franchisees when they knew that their right to use and display the Century 21 Marks ceased no later than December 17, 2002.

4. At the Status Conference held on June 24, 2004, this Court gave its preliminary approval for the filing of an amended complaint.

WHEREFORE, Century 21 respectfully requests that this Court grant its Motion for Leave to Amend its Complaint and to accept as filed it First Amended Complaint attached as Exhibit A.

CENTURY 21 REAL ESTATE CORPORATION

By its attorneys,

/s/ G. Rubenstein

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Dated: June 30, 2004